

REMARKS

Reconsideration of the present application is respectfully requested. The specification has been amended to correct minor informalities. Figures 2, 5A and 5B of the drawings have also been amended. The claims have not been amended. Claims 1-70 remain pending.

Drawing Objections

A proposed amendment to Figures 2, 5A and 5B is enclosed herewith. The Office's approval is respectfully requested.

The Office objects to the drawings for several reasons. First, the Office states that "the 'graphical design tool', graphically create [sic] an operational link between a hypermedia page an a component defining a spoken dialog interaction between a person and a machine' must be shown or the features canceled from the claims." Office Action, p. 2. Applicants respectfully submit that the aforementioned features are already clearly illustrated in the drawings, and the correspondence between the drawings and the claims is further evident in view of the detailed description. See, for example, element 40 in Figure 3; Figures 5A and 5B (see also p. 27 lines 13-22 of the specification); and Figure 15 (see also p. 29 lines 13-22 of the specification). Note that there is no requirement in the law that an applicant use the exact same nomenclature in the claims as used in the detailed description and drawings. Therefore, Applicant respectfully submits that this aspect of the objection has been overcome.

The Office also states that Figure 1 labels 2, 4, 6, 8 and 12 were not referenced from the specification. Applicants respectfully submit that all of those labels numerals are mentioned on page 8 of the specification, as filed.

Regarding the objection to Figure 2, Applicants have amended Figure 2 to add the label "Prior Art" in response to the Office's request.

Finally, the Office objects that some of the boxes in Figures 5A and 5B are not labeled with numbers for reference in the specification. Applicants respectfully submit that the law does not require that every feature shown in the drawings be labeled with a reference numeral or be explicitly referred to in the specification. Nonetheless, Applicants have added reference numerals 57 and 58 to Figures 5A and 5B and to the specification in response to the Office's request.

Applicants respectfully submit that the above remarks and the above-mentioned amendments overcome all of the objections to the drawings. Withdrawal of the objections is, therefore, respectfully requested.

Specification Objections

The specification has been amended to address the Office's objection.

Claim Rejections

35 U.S.C. § 112(2) Rejections

Claims 1-70 stand rejected under 35 U.S.C. § 112, second, paragraph as being indefinite. The Office states, "The claims are confusing because the elements are not clearly distinguishable from each other. The applicant is required to explain what figure each claim reads upon so that proper interpretation is ensured." Office Action, p. 3.

The rejection is improper and is in error, for the following reasons. First, the only claim which the Office specifically mentions in this rejection is claim 1, yet the Office rejects all of claims 1-70 under § 112(2). Consequently, Applicants are unable to do

more than guess at what the Office considers to be deficient about claims 2-70, if anything. "The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." MPEP § 706 (emphasis added). See also MPEP § 706.02(j): "It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given a fair opportunity to reply.". Here, Applicants have no real opportunity to respond to this objection, at least with respect to claims 2-70, due to the Office Action's lack of specificity. Consequently, the rejection is improper as to at least claims 2-70, and its withdrawal is respectfully requested. In the event the Office intends to maintain this rejection, Applicants respectfully request that the Office specifically address each rejected claim in the next Office Action and clearly articulate the reason for the rejection for each rejected claim. In that event, the next Office Action (if any) must not be made final, so that Applicants can have a full and fair opportunity to respond to a clearly articulated rejection.

As to the Office's statement that "the elements are not clearly distinguishable from each other," Applicants respectfully disagree. There is no requirement that a claim be written in the form of a "laundry list" of elements recited on separate lines, etc., although such format may be more typical than the format of claim 1. For purposes of 35 U.S.C. § 112(2), all that is required is that the scope of the claim be clear: "If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. § 112, second paragraph."

MPEP § 2173.04 (emphasis added). In the case of claim 1, and each of the other claims, the scope of the invention is entirely clear. Claim 1 and each of the other claims are written using terms and phrasing that are readily understandable, not vague or indefinite, particularly when read in light of the specification.

In addition, regarding claim 1 the Office states, “Claim 1 is broad enough to include any links on the Internet that include graphics and spoken dialog.” That statement paraphrases claim 1 so loosely that it completely mischaracterizes the claim. Claim 1 is clear on its face. Paraphrasing is both unnecessary and improper. Further, note that “[b]readth of a claim is not to be equated with indefiniteness.” MPEP 2173.04, citing In re Miller, 441 F.2d 689, 169 U.S.P.Q. 597 (CCPA 1971). Moreover, the aforementioned statement by the Office is contradicted just a few lines later in the Office Action, where the Office states, “The search conducted was based on the Examiner’s best understanding predicated on spoken dialog limited in scope to dialogs as used by VoiceXML which is considered indicative of what one of ordinary skill in the art would accept as a reasonable interpretation of the claims.” Office Action, p. 3 (emphasis added). Thus, the Office admits by this statement (regardless of its accuracy or inaccuracy) that the scope and meaning of the claims are readily discernable by one of ordinary skill in the art. Consequently, the claims comply with 35 U.S.C. § 112, second paragraph.

Finally, as to the statement, “The applicant is required to explain what figure each claim reads upon so that proper interpretation is ensured,” Applicants respectfully submit that the Office has no authority to impose such a requirement in connection with 35 U.S.C. § 112, second paragraph. Applicant therefore respectfully declines to do so.

As indicated above, all of the claims are clear and definite on their face, as is their correspondence to the drawings and the detailed description. Applicants therefore respectfully submit that the rejections under 35 U.S.C. § 112, second, paragraph have been overcome, and withdrawal of such rejections is respectfully requested.

35 U.S.C. § 103 Rejections

Claims 1-70 stand rejected under 35 U.S.C. § 103(a) based on U.S. Patent no. 6,173,266 of Marx et al. ("Marx") in view of U.S. Patent no. 6,141,724 of Butler et al. ("Butler". Applicants respectfully traverse the rejections.

The present invention relates to a graphical design tool which enables a developer to graphically create operational links between Web pages and components that define spoken dialog interactions between a person and a machine. For purposes of discussing the art rejections, claim 1 is considered exemplary of Applicants' independent claims. Claim 1 recites:

1. A computer-implemented graphical **design tool** configured to allow a user of a computer system to graphically create an operational link **between a hypermedia page and a component defining a spoken dialog interaction** between a person and a machine.
(Emphasis added.)

To establish a prima facie case of obviousness, three basic criteria must be met:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable

expectation of success. Finally, the prior art reference references must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ.2d 1438 (Fed. Cir. 1991); MPEP § 706.02(j).

The current rejections fail to meet any of the three requirements stated above. First, to address the last criterion, the cited references do not disclose or suggest all of the claim limitations of the invention, either in combination or individually. Marx discloses a graphical user interface that can be used select and graphically link together "dialogue modules" to define a call flow. See, e.g., Marx's abstract. Butler discloses a system that enables a developer to remotely design a telephone application for a call handling server. However, Marx and Butler provide no teaching or suggestion, either individually or in combination, of graphically creating an operational link between a hypermedia page and a component that defines a spoken dialog interaction between a person and a machine, or a tool for enabling a computer user to do so.

Regarding Marx, it is noted that the Office makes no attempt to address specifically any of the limitations of the claim 1. The Office notes several figures of Marx and summarily states, "This teaches the applicant's claims towards a graphical design tool that allows hypermedia links to the World Wide Web." Office Action, p. 4. First, the Office's loose paraphrasing of claim 1 in that statement grossly distorts its scope. Second, there is absolutely nothing in Marx which suggests creating an operational link between a hypermedia page and a component that defines a spoken dialog interaction between a person and a machine, or a graphical design tool for

enabling a computer user to do so. The closest Marx comes is to disclosure that a computer system can be connected to the Internet. See, e.g., Marx's Figure 3. Such a general disclosure of Internet connectivity as this cannot be considered any hint of what is claimed by Applicants, or of why it would be desirable to achieve it, even when read with Butler.

Butler comes no closer than Marx to suggesting what Applicants claim and adds nothing to Marx that is relevant to the present invention. The Office cites Butler's use of the terminology "web page" (in contrast with Marx) and Butler's disclosure that "the way to utilize remote equipment on the Internet is through web page access of a server." Office Action, pp. 5-6. However, in that regard Butler merely teaches that certain software (e.g., the application designer 32) can be obtained by downloading it from a web site. Butler, col. 4 lines 54 et seq. Such disclosure provides no hint of the idea of creating an operational link between a hypermedia page and a component defining a spoken dialog interaction between a person and a machine, or of why it would be desirable to do so, or of a graphical design tool for enabling a computer user to do so, as in the present invention.

Thus, no combination of Marx and Butler teaches or suggests all of the limitations of claim 1, or any of Applicants' claims. The rejection, therefore, fails to state a *prima facie* case of obviousness for at least this reason.

Second, in view of the wide gap between the present invention and the disclosures of Marx/Butler, one of ordinary skill in the art attempting to combine the teachings of these references would have no reasonable expectation of success of achieving a computer-implemented graphical design tool configured to allow a user of a

computer system to graphically create an operational link between a hypermedia page and a component defining a spoken dialog interaction between a person and a machine. The rejection is therefore in error for this additional reason.

Moreover, there is absolutely no motivation or suggestion in the prior art for one of ordinary skill in the art to attempt to combine the teachings of Marx and Butler to achieve the present invention. “[T]he examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.” In re Rouffet, 149 F.3d 1350, 1357 (Fed. Cir. 1998). The sole motivation alleged by the Office is: “because Butler teaches that links between a user and remote web pages can be used to enhance graphical design palettes . . .” Office Action, p. 6. However, in that regard Butler only teaches that certain software can be obtained by downloading it from a web site, as noted above. Marx teaches nothing more than having Internet connectivity in that regard.

In contrast, the present invention is directed to, among other things, enabling someone graphically to enable a speech application to access web site data, or to “speech-enable” a web site. See, e.g., Applicants’ specification at p. 7, lines 9-12. The references do not even hint at either of these objectives, or at any corresponding solutions. Marx is directed to defining a call flow graphically. Butler is directed to enabling software to be remotely developed for a telephony application. These references provide no motivation or suggestion to create an operational link between a hypermedia page and a component defining a spoken dialog interaction between a person and a machine, nor why it would be desirable to do so.

For at least the above reasons, claim 1 and all claims which depend on it are patentable over the cited art.

The only other claim which the Office specifically addressed in the art rejections was claim 58. Claim 58 recites:

58. A method of allowing a user of a computer to create content for use in a voice response system, the method comprising:

receiving first user input graphically specifying a spoken dialog between a person and a machine, the first user input including inputs directed to a set of user-selectable components defining spoken dialog interactions;

storing first data representing a dialog flow for the spoken dialog based on the first user input;

receiving second **user input graphically specifying a correspondence between a field of a hypermedia page and a property of one of said components**; and

storing second data representing the correspondence based on the second user input, wherein the first data and the second data are for use by the voice response system to execute the spoken dialog.

(Emphasis added.)

The cited references do not disclose or suggest the invention recited in claim 58, either in combination or individually, particularly the features in bold above. In that regard, the discussion of claim 1 is also applicable to claim 58.

The remaining independent claims include limitations substantially similar to those in claim 1 mentioned above (as well as additional limitations) and are therefore patentable over the cited art for substantially similar reasons (at least) to those stated above.

Dependent Claims

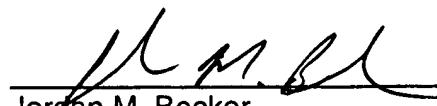
A specific discussion of the dependent claims is believed to be unnecessary in view of the foregoing remarks.

If any additional fee is required, please charge Deposit Account No. 02-2666.

Respectfully submitted,
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Date:

1/28/03


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January 28, 2003
(Date of Deposit)

Julie Arango

(Typed or printed name of person mailing correspondence)

Julie Arango 1/28/03
(Signature of person mailing correspondence)



MARKED-UP VERSION SHOWING CHANGES

IN THE SPECIFICATION:

Please amend the paragraph which begins at page 21, line 14, as follows:

Figure 5A shows an example of a dialog flow. The dialog flow 50 includes a Start box 55, an End box 56, and boxes 51, 52, 53, and 54 disposed in a chronologically-based sequence between the Start box 55 and the End box 56. The boxes 51, 52 and 54 represent different speech objects. Box 53 represents a processing object (referred to herein as QueryRun) associated with the Web query mechanism 43 for linking the dialog flow 50 to a Web page 60. As shown in Figure [4B] 5B, a single instance 53 of QueryRun can support multiple Web pages 60 and 61. The Web query mechanism 43 and QueryRun are described further below.

Please amend the paragraph which begins at page 25, line 22, as follows:

Figures 5A and 5B also show how the QueryRun object can be used. These figures illustrate an example in which the dialog flow is used to access a Web page 60 that will return a stock price quote for a given "company" query. A first speech object "SO1" (box 51) in the dialog flow 50 is designed to (audibly) acquire a company name from a speaker; accordingly, speech object SO1 is mapped to a "Company" field 57 of the Web page 60. The second speech object "SO2" (box 52) is designed to (audibly) acquire a type of stock quote selection from the speaker; accordingly, speech object SO2 is map to a "Type" field 58 of the Web page 60.

Please amend the paragraph which begins at page 29, line 13, as follows:

Assume that the developer wishes to incorporate into the dialog flow a speech object corresponding to the field “DepartureCity” in the Web page [153]. Accordingly, the developer simply drags and drops the string “DepartureCity” from the tree 154 to the location in the dialog flow editor window 152 at which he wishes the speech object to be located. In response, a pop-up window 155 is displayed with a list of selectable speech objects, with the best guess highlighted (“SODepAirport” in this case). The user can then accept the choice or select another speech object from the list. Whichever speech object is selected is then automatically incorporated into the dialog flow at the specified point and is represented at the appropriate point in the dialog flow editor window 152.

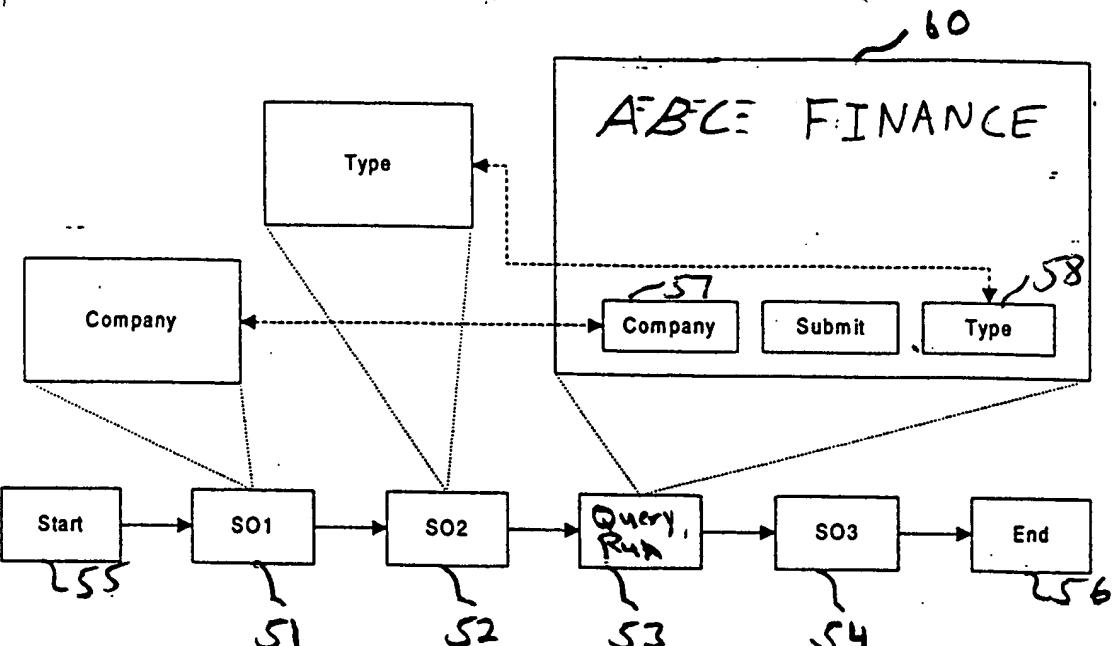


FIG. 5A

